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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,229	10/22/2003	Susan H. Schott	11309.00	5997
26889	7590	04/02/2009		
MICHAEL CHAN NCR CORPORATION 1700 SOUTH PATTERSON BLVD DAYTON, OH 45479-0001			EXAMINER FELTEN, DANIEL S	
			ART UNIT 3696	PAPER NUMBER
			MAIL DATE 04/02/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/691,229

**Applicant(s)**

SCHOTT ET AL.

**Examiner**

DANIEL S. FELTEN

**Art Unit**

3696

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 1/05/2009 have been fully considered but they are not persuasive. References in determining obviousness are not read in isolation but for what they fairly teach in combination with the prior art as a whole. It is also respectfully submitted that references are also evaluated by what they suggest to one versed in the art, rather than their specific disclosure. In this case, Buchanan discloses a system and method for processing checks, by tracking and transmitting them (see column 1, lines 18-21, column 2, lines 9+; and column 7 lines 11+) the secondary references, Isaacman, discloses data transmitted to the RFID for tracking, monitoring, sorting or processing documents (see column 4, line 45 to column 5, line 67). The 35 USC 103 rejection previously set forth provided reasoning for the combinations of references and resolve the level of ordinary skill in the art. In response to the applicant's piecemeal analysis of the references, the examiner respectfully submits that one can not show non-obviousness by attacking references individually where, as here, the rejections are based on combinations of references.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan et al (US 7,216,106) in view of Isaacman et al (US 5,936,527) and Chung (US 7,036,729)

Buchanan discloses a financial document item processing system for processing checks (see Abstract), comprising

--means defining a check transport path along which checks can be transported from an upstream end of the check transport path to a downstream end of the check transport path (see column 7, lines 33-53; and column 9, 38+), as in claims 1, 3, 7, 8

-- *an endorsing means (signature means) for transmitting endorsement data along the check transport path from the upstream end to the downstream end (see column 2, lines 46-59; and column 9, 38+), as in claims i, 5, 6 & iO*

-- encoding means for transmitting encoded data to be transported along the check transport path from the upstream end to the downstream end (see and column 9, 38+), *as in claims i-3, 8*

--A multiple-pass check processing system having an image capture workstation for processing checks during a first pass of checks and an encoding and sorting workstation for processing checks during a second pass of checks, the system comprising: means for processing a check transported along a check transport path of the image capture workstation (see fig. 4) during the first pass; and first transmitting means for transmitting encoded along a check transport path of the encoding and sorting workstation during the second pass (see column 10, lines 29-50; and column 11, line 54 to column 12, line 5), *as in claims 4 & 9*

Buchanan fails to disclose that the endorsement data is transmitted to an RFID of the check. Isaacman discloses data transmitted to the RFID for tracking, monitoring, sorting or processing documents (see column 4, line 45 to column 5, line 67). Similarly, Chung discloses a smart tag that includes an RFID tag that includes a relational check number (see column 25, line to column 26, line 7). It would have been obvious for an artisan at the time of the invention to substitute RFID technology in Isaacman and Chung for the MICR technology in Buchanan to remotely transmit computer readable data related to physical/electronic checks (or other sensitive documents) as disclosed in Buchanan (see column 1, lines 18-20; column 4, lines 6-31, especially column 5, line 50 to column 6, line 10). An artisan at the time of the Buchanan invention would recognize the advantages and sought to use RFID technology of Isaacman and Chung in practice of Buchanan's invention in distributed computing environments where tasks are performed by remote processing devices wirelessly linked within a communication network (see column 6, lines 24-37).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL S. FELTEN whose telephone number is (571)272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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